

AGENDA
MEETING OF THE PLAN COMMISSION
of the City of Platteville
Monday, April 5, 2021 at 7:00 p.m.

This meeting will be held virtually through ZOOM.
Use the virtual meeting link found at the bottom of this agenda.

1. ROLL CALL
2. APPROVE MINUTES – March 1, 2021
3. PRELIMINARY PLAT – Walnut Dell Subdivision (PC21-PP01-05)
Consider a request to approve a preliminary plat for a 6-lot subdivision located adjacent to Walnut Dell road in the extraterritorial platting area.
4. CODE AMENDMENT – Chapter 21: Subdivision Ordinance (PC21-CA01-04)
Consider proposed amendments to the subdivision ordinance regarding conservation subdivisions, implementing sidewalk policy recommendations, and other updates.
5. ADJOURN

Join Zoom Meeting

<https://us02web.zoom.us/j/89489865860?pwd=L0RYcXkzOVdXc2FwNVJZbUhyZ1I4dz09>

Meeting ID: 894 8986 5860

Passcode: 489005

888 475 4499 US Toll-free

877 853 5257 US Toll-free

If you have concerns or comments related to an item on this agenda, but are unable to attend the meeting, please send the comments to carrollj@platteville.org or call 608-348-9741 x 2235.

PLAN COMMISSION
Monday, March 1, 2021

The regular meeting of the Plan Commission of the City of Platteville was called to order by Council President Barbara Daus at 7:00 PM. Due to COVID-19 Pandemic, this meeting was conducted by digital means via Zoom.

ROLL CALL:

Present: Barbara Daus, Amy Seeboth-Wilson, Mark Meyers, Isaac Shanley, Larry Ward (present at 7:09p), Evan Larson, and Dennis Cooley.

Excused: Staci Strobl and Ellen Stelpflug

APPROVAL MINUTES – February 1, 2021

Motion by Larson, second by Seeboth-Wilson to approve the February 1, 2021 minutes as presented. Motion carried 5-0 on a roll call vote. Ward was not present during the approval of the minutes.

MOTION:

- A. Conditional Use Permit – Iverson Construction (PC21-CUP01-02)** – Consider a request to approve a Conditional Use Permit that would allow Iverson Construction to operate an asphalt plant in the rock quarry on East Mineral Street. In the past there has been various concerns about the dust that is produced from the quarry. Iverson Construction increased the dust control in 2012 and there have not been any complaints since. The applicant, Jared Baranczyk, spoke with all drivers to go slow for the trail crossing. No public statements in favor, against, or in general. Staff recommends approval of the Conditional Use permit with the following conditions: the permit shall expire at the end of the asphalt-producing season, the permit shall apply only the other subject property, and the applicant provides dust control as needed. Motion by Ward, second by Shanley to recommend approval of the Conditional use Permit and it shall remain in effect as long as the conditions are met. The conditions are that the permit shall apply only to the subject property, and the applicant provides dust control as needed. If the conditions are not met, staff should bring back the Conditional Use Permit for the Plan Commission to review. Motion carried 6-0 on a roll call vote.

ADJOURN:

Motion by Seeboth-Wilson, second by Meyers to adjourn. Motion carried 6-0 on a roll call vote. The meeting was adjourned at 7:20 PM.

Respectfully submitted,

Candace Klaas, City Clerk

STAFF REPORT

CITY OF PLATTEVILLE

Community Planning & Development Department



Meeting Date: Plan Commission – April 5, 2021

Re: Land Division

Case #: PC21-PP01-05

Applicant: Gerard Abing

Location: Walnut Dell Road, west of Second Road, north of the City

Surrounding Uses and Zoning:

Direction	Land Use	Zoning	Comprehensive Plan
Property in Question	Agriculture	A-2 Agriculture (county)	Low Density Residential
North	Residential/Agriculture	A-2 Agriculture (county)	Agriculture
South	Agriculture	A-2 Agriculture (county)	Low Density Residential
East	Residential/Agriculture	A-2 Agriculture (county)	Low Density Residential
West	Residential	A-2 Agriculture (county)	Low Density Residential

BACKGROUND

1. The property is located within the ET plat review area of the City of Platteville, but is zoned under the jurisdiction of Grant County/Platteville Township. The applicant would like to divide the property to create six lots.
2. The Town Plan Commission recommended approval of this request.

PROJECT DESCRIPTION

3. The applicant owns approximately 13 acres of land along the south side of Walnut Dell Road and north of the City. Portions of this farm property have already been divided in years past to create the IOKA Estates Subdivision and the First Addition to IOKA Estates Subdivision. The request is to create six additional residential building lots.
4. Lot 1 will have an area of approximately 2 acres and will have about 209 feet of frontage on Walnut Dell Road. Lot 2 will have an area of approximately 2.1 acres and will have about 208 feet of frontage on Walnut Dell Road. Lot 3 will have an area of approximately 1 acre,

Lot 4 will have an area of approximately 1.2 acres, Lot 5 will have an area of approximately 4.5 acres, and Lot 6 will have an area of approximately 1 acre. Lots 3, 4, 5 and 6 will have frontage on a future east-west road that connects to the existing lots to the west.

STAFF ANALYSIS

5. The land division meets the requirements of the City's subdivision ordinance for lot size and lot frontage. The outlot for the future street right-of-way has adequate width for street purposes and the street is designed to be extended in the future.
6. The proposed use of the lots as single-family residential is in compliance with the A-2 zoning on the parcel. The Comprehensive Plan designates this land as Low Density Residential development. The lots are located adjacent to existing residential development, which is recommended by the Plan.

STAFF RECOMMENDATION

7. The proposed land division meets the requirements of the subdivision ordinance and meets the requirements of the comprehensive plan, so Staff recommends approval.

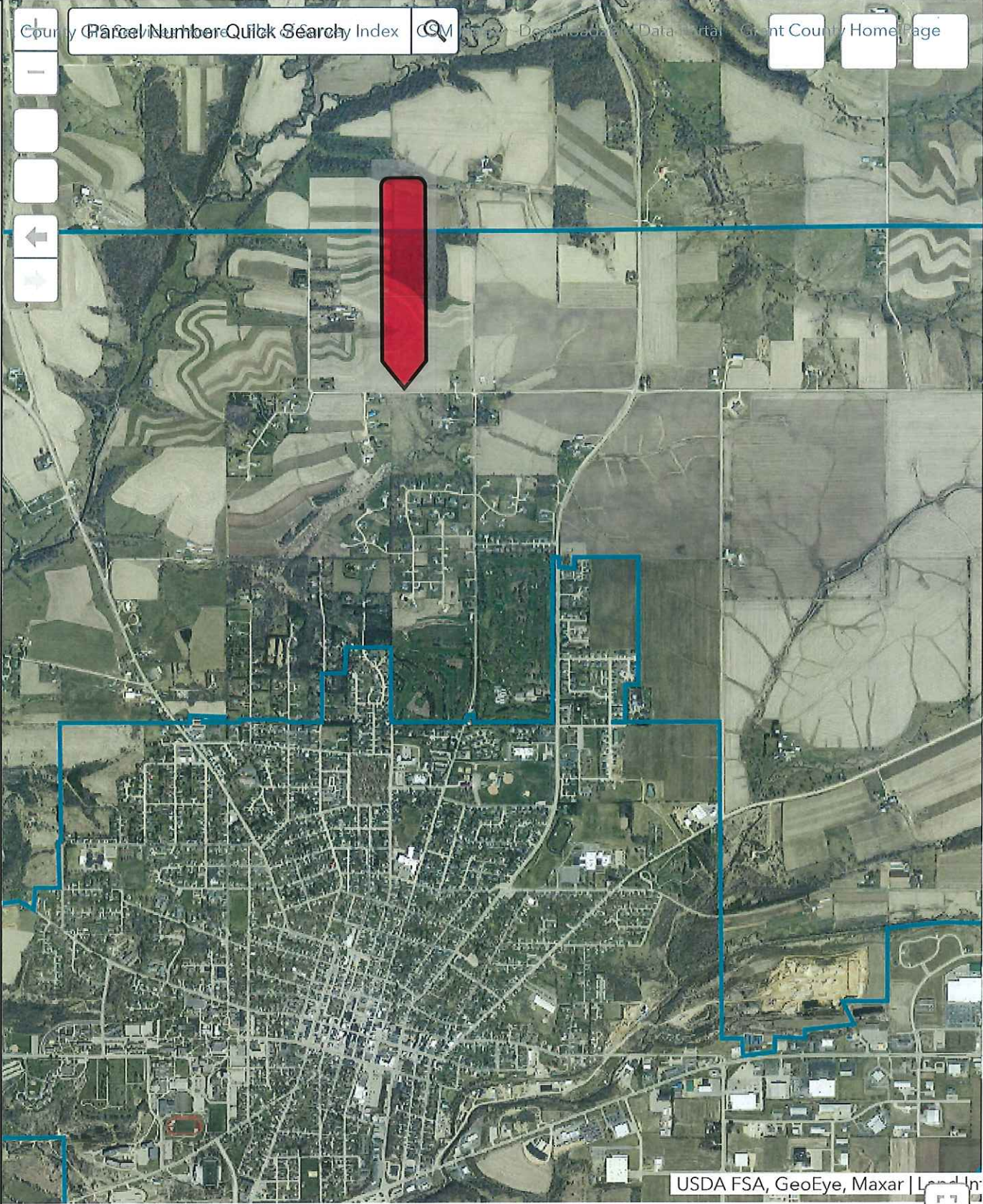
ATTACHMENTS:

1. Location map, subdivision map.



Parcel Explorer

County Parcel Number Quick Search Index  Downloads Data Portal Grant County Home Page



USDA FSA, GeoEye, Maxar | Land In

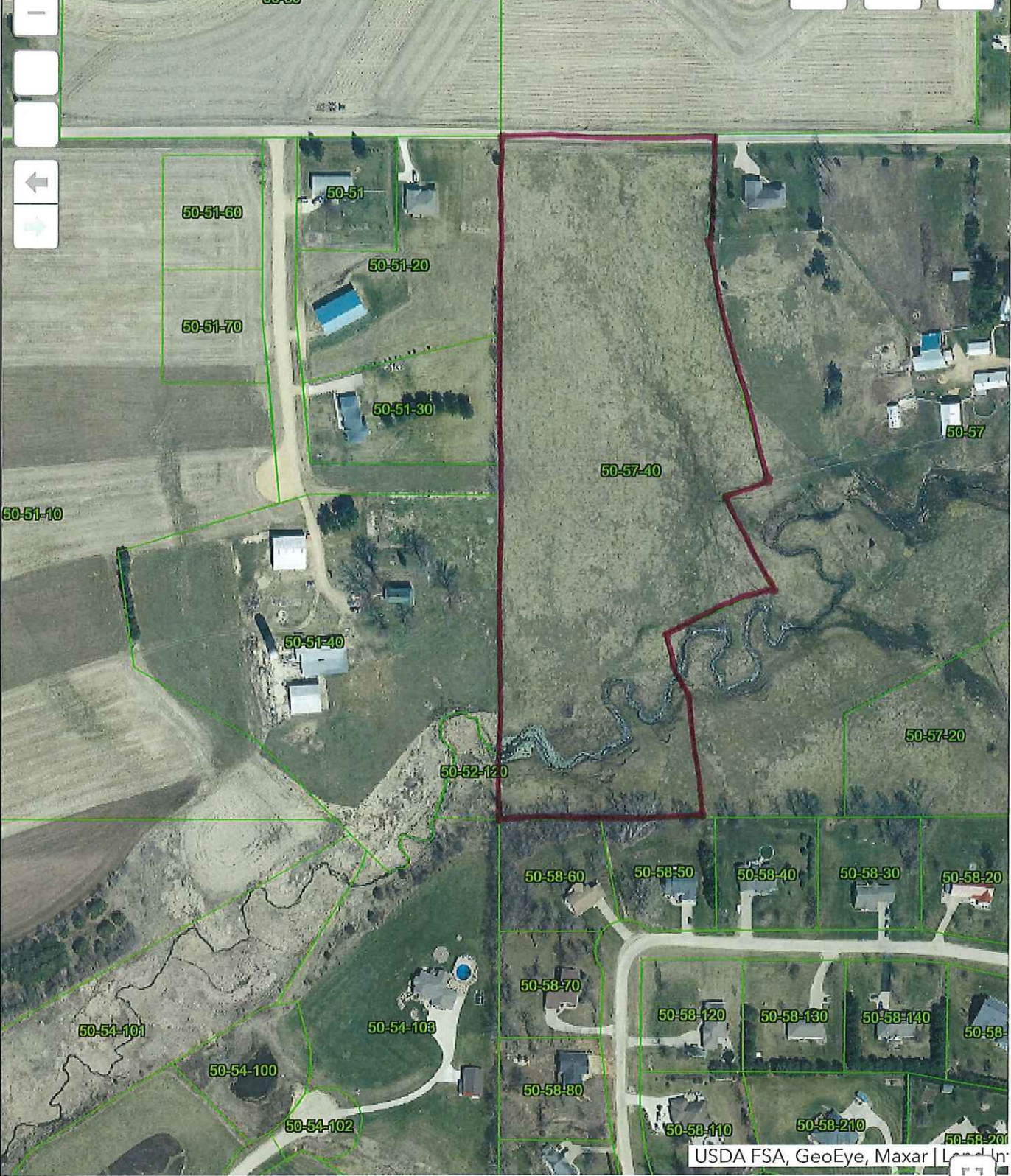


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Parcel Explorer

County Parcel Number Quick Search Index Index Downloadable Data Portal Grant County Home Page



USDA FSA, GeoEye, Maxar | Land In

300ft

PRELIMINARY PLAT FOR:
WALNUT DELL SUBDIVISION
 TOWN OF PLATTEVILLE, GRANT COUNTY, WISCONSIN

LOCATED IN THE NW 1/4 OF THE SEC. 16, T. 46 N., R. 10 W., S. 21 E., THE 4th P.M.

LEGEND

- BOUNDARY LINE
- SECTION LINE
- SECTION PROPERTY LINE
- SECTION CENTERLINE
- STREAM CENTERLINE
- FENCE LINE
- POWER LINE
- ROAD CENTERLINE
- TOWN BOUNDARY
- TOWN PROPERTY
- TOWN RESERVATION
- TOWN RESERVATION FOUND
- TOWN RESERVATION FOUND
- TOWN RESERVATION FOUND
- TOWN RESERVATION FOUND
- TOWN RESERVATION FOUND

SECTIONS 17N, 18W

17N, 18W	17N, 19W
18N, 18W	18N, 19W

LOCATION MAP

SCALE

0 10 20 30 40 50 60 70 80 90 100

FOOT

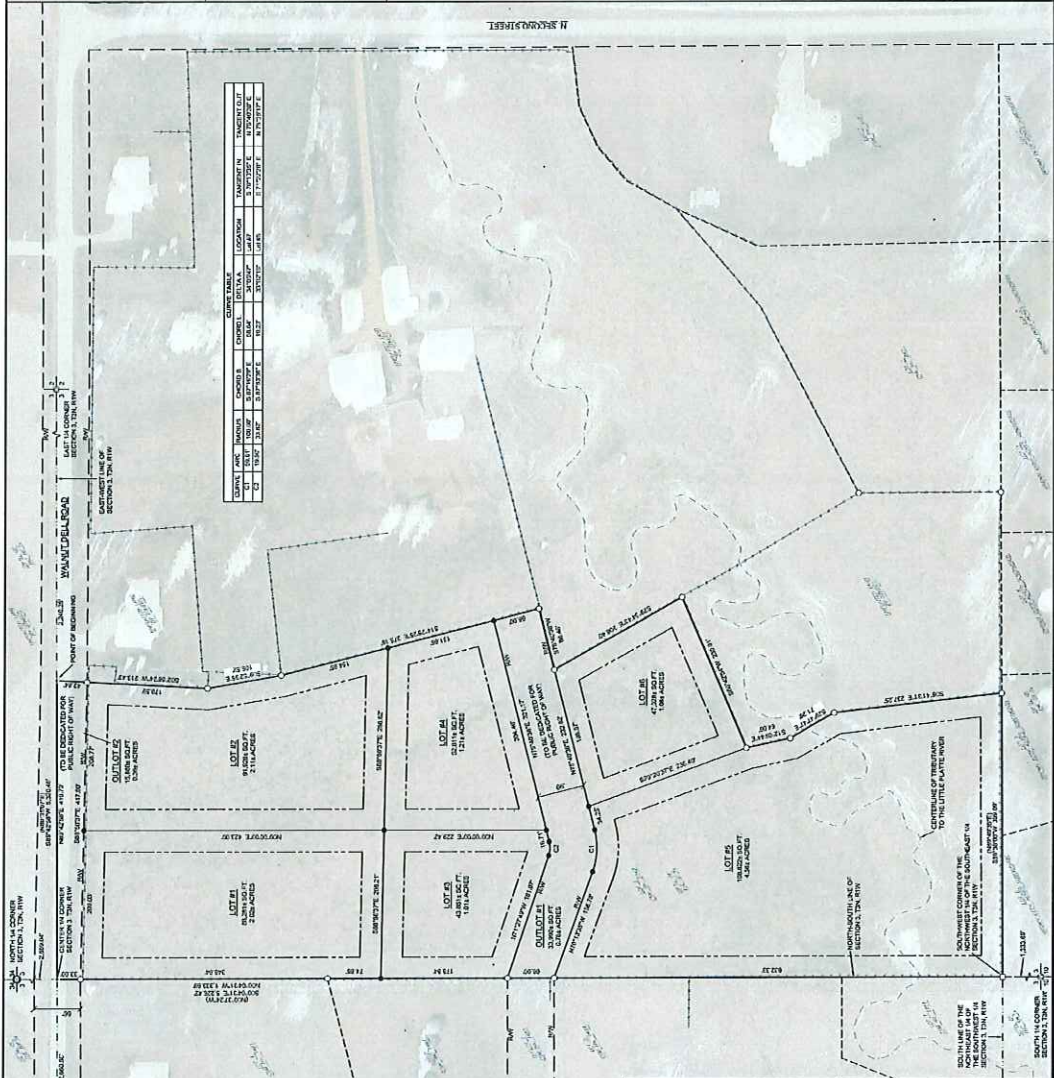
NOTES

1. THIS PLAT IS SUBJECT TO THE SURVEY AND RECORDS OF THE PLATTEVILLE TOWNSHIP RECORDS.

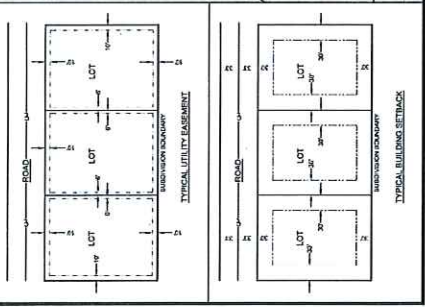
2. THE PLATTEVILLE TOWNSHIP RECORDS SHOW THE SECTION 16, T. 46 N., R. 10 W., S. 21 E. TO BE A CORNER SECTION.

3. THE PLATTEVILLE TOWNSHIP RECORDS SHOW THE SECTION 16, T. 46 N., R. 10 W., S. 21 E. TO BE A CORNER SECTION.

4. THE PLATTEVILLE TOWNSHIP RECORDS SHOW THE SECTION 16, T. 46 N., R. 10 W., S. 21 E. TO BE A CORNER SECTION.



LOT	AREA	PERCENTAGE	COMPLIANCE	OWNER	DATE	RECORD	RECORD	RECORD
1	2.84 ACRES	100%	COMPLIANT	DELTA	10/15/11	10/15/11	10/15/11	10/15/11
2	2.84 ACRES	100%	COMPLIANT	DELTA	10/15/11	10/15/11	10/15/11	10/15/11
3	2.84 ACRES	100%	COMPLIANT	DELTA	10/15/11	10/15/11	10/15/11	10/15/11
4	2.84 ACRES	100%	COMPLIANT	DELTA	10/15/11	10/15/11	10/15/11	10/15/11
5	2.84 ACRES	100%	COMPLIANT	DELTA	10/15/11	10/15/11	10/15/11	10/15/11
6	2.84 ACRES	100%	COMPLIANT	DELTA	10/15/11	10/15/11	10/15/11	10/15/11



DELTA 3

DATE: FEBRUARY 14, 2011
 COUNTY: GRANT COUNTY, WISCONSIN
 TOWNSHIP: PLATTEVILLE TOWNSHIP
 SECTION: 16, T. 46 N., R. 10 W., S. 21 E.

DELTA 3

DATE: FEBRUARY 14, 2011
 COUNTY: GRANT COUNTY, WISCONSIN
 TOWNSHIP: PLATTEVILLE TOWNSHIP
 SECTION: 16, T. 46 N., R. 10 W., S. 21 E.

STAFF REPORT
**Community Planning &
Development Department**



Meeting Date: April 5, 2021
From: Joe Carroll, Community Development Director
Re: Chapter 21 - Subdivision Ordinance Amendments
Applicant: Staff submitted

Attached a draft ordinance that includes potential amendments to Chapter 21, the subdivision ordinance. This draft is based on discussions at several previous Plan Commission meetings, as well as some additional potential language changes. The primary changes are:

- Incorporate the Conservation Subdivision language that was previously discussed.
- Incorporate the recommended changes from the Sidewalk Policy.
- Eliminate redundant language related to parkland dedication.
- Changes to the procedural process for approving plats to better reflect the actual process that is followed.
- Additional changes based on a model ordinance that updates the language.

**CITY OF PLATTEVILLE
SUBDIVISION REGULATIONS
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SUBDIVISION

21.01 PURPOSE OF REGULATIONS. The purpose of this chapter is to promote the public health, safety, and general welfare of the community; to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the further resubdivision of larger tracts into smaller parcels of land; all with reasonable consideration of the character of the City with a view toward conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the City.

21.02 SCOPE AND JURISDICTION (A) Any division of land within the City or within its extraterritorial plat approval jurisdiction which results in a subdivision or a minor subdivision as defined herein shall be, and any other division may be, surveyed and a plat thereof approved and recorded as required by this chapter and Chapter 236 of the Wisconsin Statutes.

(B) The jurisdiction of these regulations shall include all lands within the corporate limits of the City of Platteville as well as the unincorporated area within the extraterritorial plat approval limits and any such division of land shall require the prior approval of the Plan Commission and a map or plat thereof shall be recorded with the Register of Deeds as provided in Section 236.45 of the Wisconsin Statutes. The provisions of this ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

- (1) Transfers of interest in land by will or pursuant to Court orders.
- (2) Leases for a term not to exceed ten years, mortgages, or easements.
- (3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by these regulations, the zoning ordinance or other applicable laws or ordinances.

21.03 DEFINITIONS. For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes a plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

Alley: A special public way affording only secondary access to abutting properties.

Building Line: A line parallel to a lot line and at a distance from the lot line to comply with the City Zoning Ordinance's yard and setback requirements.

Collector Street: A street used, or intended to be used to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments. Also a street designated a Collector Street on the Wisconsin DOT Functional Classification Map.

Common open space. Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures but may contain such recreational facilities for residents as indicated on the approved development plan.

Community: A town, municipality, or group of adjacent towns and/or municipalities having common social, economic or physical interests.

Comprehensive Plan: The extensively developed plan, also called a master plan, adopted by the City Plan Commission and certified to the City Council pursuant to Section 62.23 and Section 62.0295 of the Wisconsin Statutes, including proposals for the future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

Condominium. A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes. A condominium is a legal form of ownership of real estate and not a specific building type or style.

Conservation easement. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development. See s. 700.40, Wis. Stats.

Conservation subdivision. A housing development that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.

Cul-de-Sac Street: Minor street closed at one end with a turnaround provided for passenger vehicles.

Easement: An acquired privilege or right of use in the land of another.

Engineer: A State of Wisconsin registered professional engineer.

Extraterritorial Plat Approval Jurisdiction: The unincorporated area within one and one-half (1 ½)miles of the City of Platteville, unless a smaller area is adopted by resolution of the Common Council.

Frontage Street: A minor street auxiliary to and located on the side of a Major an-arterial street for control of access and for service to the abutting development.

Homeowners association. A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

Lot: A parcel of land adequate for occupancy by a permitted use, providing the yards and area and fronting directly on a public street.

Lot Consolidation: The combining of two contiguous lots and/or outlots into one, or the combining of three or more contiguous lots and/or outlots into a fewer number of lots than had existed prior to the lot consolidation.

Major Street: A street used, or intended to be used, primarily for fast or heavy traffic. Also a street designated either a Principal or Minor Arterial on the Wisconsin DOT Functional Classification Map.

Minor Street: A street used, or intended to be used, primarily for access to abutting properties. Also a street designated as a Local Street on the Wisconsin DOT Functional Classification Map.

Minor Subdivision: The division of land by the owner or subdivider resulting in the creation of two (2) parcels or building sites, any one of which is four (4) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites.

Municipality: An incorporated village or City or an unincorporated town.

New Curb and Gutter: The construction of curbs and gutters in an area that prior to the construction did not have curbs and/or gutters.

New Pavement: The installation of new bituminous or portland cement concrete pavement on a street which previously did not have either kind of pavement. This will generally occur where a street is recently annexed into the City, or a previously unpaved street is upgraded and paved.

New Sidewalk: The construction of a sidewalk as defined in 4.13(b) of the Municipal Code.

New Water and /or Sewer Mains: The installation of water mains or sewer mains laterals for supply of potable water or collection of sanitary sewerage in an area that, prior

to the installation, did not have access to the water and/or sewer utility. This does not include installation of water and/or sewer lines that have been relocated at the convenience of the water and sewer utility.

Nonprofit conservation organization. Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

Official Map: A map, officially adopted by the Common Council pursuant to Section 62.23(6) of the Wisconsin Statutes, for the precise designation of right-of-way lines and site boundaries of streets, highways, parkways, parks, playgrounds, greenways and historic districts, both existing and proposed. The Official Map may be extended to include areas beyond the corporate limits but within the extraterritorial jurisdiction of the City as provided by the Statutes.

Outlot: An outlying parcel of land, other than a lot or block, and so designated on the plat.

Parent parcel. The existing parcel of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.

Pedestrian Way: A right-of-way across or within a block for use by pedestrian traffic.

Public Way: Any public road, street, highway, walkway, drainageway, or part thereof.

Plat: A plan or map indicating the subdivision of land, intended to be filed for record.

Replat: The changing of the boundaries of a recorded subdivision plat or part thereof.

Special Assessment: Defined in accordance with Wisconsin Statute 66.60, an amount levied against a property for special benefits conferred upon such property by any municipal work or improvement.

Subdivider: Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

Subdivision: A division of a lot, block, outlot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or building development where:

- (1) The act of division or the creation of any parcels or building sites results in the creation, alteration or relocation of any street or alley; or
- (2) In an unplatted area, the act of division creates three (3) or more parcels or building sites of four (4) acres each or less in area, or three (3) or more

parcels or building sites of four (4) acres each or less in area are created by successive division within a period of five (5) years; or

- (3) In a platted and recorded subdivision, the act of division creates five (5) or more parcels or building sites of four (4) acres each or less in area, or five (5) or more parcels or building sites of four (4) acres each or less in area are created by successive division within a period of five (5) years.

Surveyor: A State of Wisconsin registered land surveyor.

21.04 PROCEDURE. (A) Pre-Application. It is recommended that, prior to the filing of an application for approval of a preliminary plat, the subdivider consult the Community Development Director Plan Commission or its staff for advice and assistance. This step does not require formal application, fee, or filing of a plat, but is intended to explain to the subdivider the purpose and objectives of these regulations, the comprehensive plan, official map and zoning ordinance and to informally reach mutual conclusions regarding the general program and objectives of the proposed development.

(B) Preliminary Plat. (1) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat, supplemental data and such copies thereof as shall be required, to the ~~City Clerk who shall forward same to the~~ Director of Community Planning and Development at least twenty-five (25) days prior to the Plan Commission meeting at which action is desired.

(2) After review of the preliminary plat and negotiations with the subdivider on the changes deemed advisable and the kind and extent of public improvements required, the Plan Commission shall, within forty (40) days of its submission, recommend to approve, approve conditionally, or reject the plat. The subdivider shall be notified in writing of any recommended conditions of approval or the reason for a recommendation of rejection. Such action of the Plan Commission shall be submitted to the Council for its approval and the subdivider shall be notified in writing of any changes or modifications in the action of the Plan Commission and the reasons therefor. The Common Council shall hold a public hearing on the preliminary plat. Parties in interest and citizens shall have an opportunity to be heard. Notice of the public hearing shall be published as a class 2 notice under chapter 985, Wisconsin Statutes.

(3) Approval of the preliminary plat shall entitle the subdivider to final approval of the general layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met.

(C) Final Plat. (1) The final plat and such copies as shall be required shall be submitted within six months of the approval of the preliminary plat. However, if approval of the preliminary plat must be obtained from another approving authority

subsequent to approval by the Plan Commission, the final plat shall be submitted within six months of such approval. The Plan Commission may waive failure to comply with this requirement.

- (2) The ~~City Clerk shall forward the plat to the Plan Commission, after review and recommendation by the~~ Community Planning and Development Department, ~~which shall then~~ refer the final plat with its recommendations, to the Council within 30 days of its submission, unless the time is extended by the Council. The Council shall approve or reject the final plat within 60 days of its submission, ~~to the City Clerk~~ unless time is extended by agreement with the subdivider. Reasons for rejection shall be stated in writing in the minutes of the Council meeting and a copy thereof or other written statement of such reasons supplied to the subdivider.
 - (3) If the original of the final plat has been filed with some other approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Council will be inscribed on the original of the final plat, the surveyor or subdivider shall certify the respects in which the original of the final plat differs from the true copy, and all modifications must first be approved.
- (D) Plats Outside the Corporate Limits. When the land to be subdivided lies within the extraterritorial plat approval jurisdiction of the City, the subdivider shall proceed as specified in Section 21.04(a) through 21.04(c) of this chapter, except as provided in the City of Platteville and Town of Platteville Intergovernmental Planning Agreement;
- (1) Transmittal responsibility lies with the City Clerk, the Town Clerk or whomever the plat is first submitted, and the subdivider shall indicate which one in his application for plat approval.
 - (2) Approval agencies include the City Plan Commission and City Council and, if applicable, the Town of Platteville Plan Commission and Town Board. The Subdivider shall comply with the land division laws and ordinances of these agencies.
 - (3) All requirements for improvements as specified by the Town Board or by any special improvement district in matters over which they have jurisdiction, shall be met before approval and filing of the final plat.
 - (4) After approval by the governing bodies and recording of the plat, the subdivider may proceed with the installation of such improvements and under such regulations as the Town Board of the town within whose limits the plat lies, may require.

- (E) Replat. A replat shall be made and recorded for any land division which proposes to change the boundaries of a recorded subdivision or part thereof, as follows:
- (1) By either securing the written consent of all parties of interest or by vacating or altering the recorded plat as provided in Section 236.40 through 236.44 of the Wisconsin Statutes; and
 - (2) Filing a Certified Survey Map or a Final Plat as specified in Section 21.08 or 21.04(a) through 21.04(d) of this chapter, depending on whether said replat constitutes a subdivision or minor subdivision as defined herein.

The ~~Community Development Director~~~~City Clerk~~ shall schedule a public hearing before the City Plan Commission when a proposed replat of lands within the City is filed, and shall cause notice of the proposed replat and public hearing to be mailed to the owners of all properties within the extended boundaries or within two-hundred (200) feet of the exterior boundaries of the proposed replat.

- (F) Minor Subdivision or Lot Consolidation. When it is proposed to either: divide land into two (2) parcels or building sites, any one of which is less than four (4) acres in size, or when it is proposed to divide a block, lot or outlot in a recorded subdivision into not more than four (4) parcels or building sites; or when the owner or two or more contiguous lots proposes to consolidate them into fewer lots, the owner or subdivider may do so by use of a Certified Survey Map as provided in Section 21.08 of this chapter; and
- (1) The owner or subdivider shall file an adequate number of copies of the Map and the letter of application with the ~~Community Development Director~~~~City Clerk~~ at least twenty (20) days prior to the meeting of the Plan Commission at which action is desired.
 - (2) The ~~City Clerk~~~~Community Development Director~~ shall, within seven (7) days after filing, transmit copies of the Map and letter of application to the Plan Commission and to all affected City boards, commissions, committees, or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within fifteen (15) days from the date the Map is filed. The time limits set forth may be extended provided the applicant consents thereto.
 - (3) The Map shall be reviewed by the Plan Commission for conformance with this ordinance and all other ordinances, rules, regulations, comprehensive plans and plan components which affect it. The owners of all properties within 100 feet of the property shown on the Map shall be notified by mail of the date, time and location of the Plan Commission meeting. The Plan Commission shall, within forty-five (45) days from the date of filing of the

Map either approve, conditionally approve or reject said Map. If the Map is rejected, the reasons therefore shall be stated in the minutes of the meeting and a written statement thereof forwarded to the owner or subdivider. If the Map is approved, the Plan Commission shall cause the City Clerk to so certify on the face of the original Map and return same to the subdivider.

- (4) The owner or subdivider shall record the Certified Survey Map with the County Register of Deeds within thirty (30) days of its approval by the Plan Commission and shall file three (3) true copies of said Map with the City Clerk.
- (G) Subdivisions Created by Successive Divisions. Where it is not predicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this Chapter, the Council may in lieu thereof order an assessor's plat to be made under Section 70.27 of the Wisconsin Statutes, and may assess the cost thereof as provided in such section, or to the subdivider.
- (H) Sale or Exchange of Land Between Adjoining Owners. Whenever a sale or exchange of land between adjoining owners is contemplated, the parties to the transaction shall furnish, prior to such sale or exchange occurring, the following information to the Community Development Director~~City Building Inspector or Zoning Administrator~~.
- (1) If the sale or exchange does not result in a change to the recorded boundaries of the lots in question, the following shall be submitted:
- (a) The legal description of all parcels of property involved in the transaction.
 - (b) A description of the transaction proposed and the legal description of all lots after the transaction is completed.
 - (c) A certification that the sale or exchange of land as proposed will not result in the creation of additional lots, and that all applicable ordinances related to lot area, lot width and setbacks are and will continue to be met after recording of the sale or exchange.
- (2) If the sale or exchange will result in a change to the recorded boundaries of the lots, a certified survey map shall be submitted in accordance with Section 21.08 below, subject to the following:
- (a) No certification of approval by the Plan Commission is required.
 - (b) The Map shall include a certification that the sale or exchange of land as proposed will not result in the creation of additional lots, and that

all applicable ordinances related to lot area, lot width and setbacks are and will continue to be met after recording of the Map.

The ~~Community Development Director Building Inspector or Zoning Administrator~~ shall review the information provided and shall determine if the transaction is within the provisions of Section 21.02(b)3. The transactions found to be within Section 21.02(b)3 shall not be required to submit an application for lot redivision before the Planning Commission. A copy of the instrument(s) used in the conveyance shall be submitted to the City after the transfer has been recorded with the Grant County Register of Deeds.

21.05 GENERAL REQUIREMENTS. ~~No person shall divide, convey, quit claim to, or combine any land located within the jurisdictional limits of this Ordinance so that such division or combination would result in a Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat, as defined herein; no such Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat shall be entitled to recording; and, no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following: All divisions of land within the corporate limits or the extraterritorial plat approval jurisdiction of the City of Platteville which shall result in a subdivision as defined herein, shall conform to:~~

- (A) The Comprehensive Plan, Zoning Ordinance, Official Map, this Chapter and all other pertinent ordinances, regulations, resolutions or plans which have been or may be henceforth adopted by this City or by other appropriate jurisdictions.
- (B) The provisions of Chapter 236 of the Wisconsin Statutes, except that this ordinance shall prevail where it imposes higher standards.
- (C) The rules of the State Board of Health relating to lot size and lot elevation, if the subdivision is not served by a public sewer and provision for such service has not been made.
- (D) The rules of the ~~Wisconsin Department of Transportation State Highway Commission~~ relating to safety of access and the preservation of the public interest and investment on the streets, if the subdivision on any lot contained therein abuts on a state trunk highway or connecting street.
- (E) The topography, drainage and other natural features of the site and shall be laid out so as to preserve, enhance and promote a safe, pleasant environment for family living.
- (F) The recommendations or conditions imposed by the Plan Commission so as to control the premature development of lands which lack the essential public services and facilities; and the platting of land which is subject to flooding or which if

developed would in any way endanger the health, life or property of the City's residents.

21.06 PRELIMINARY PLATS AND DATA. (A) General. A preliminary plat shall be required for all subdivisions and shall be based on a boundary survey by a registered Land Surveyor. The plat shall be prepared on ~~tracing cloth or~~ paper of good quality and shall show correctly on its face:

- (1) Title under which the proposed subdivision is to be recorded.
 - (2) Location of proposed subdivision by Government lot, quarter section, township, range, county and state.
 - (3) Date, scale and north point.
 - (4) Names and addresses of the owner, subdivider and the engineer or surveyor preparing the plat.
 - (5) Certification by the surveyor or engineer preparing the plat, that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.
- (B) Plat Data. The preliminary plats shall be drawn at a scale of not more than 100 feet to the inch and shall show:
- (1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established by U.S. Public Land Survey and the total acreage encompassed thereby.
 - (2) The location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all corporate limits, section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (3) Locations of all existing property boundary lines, structures, streams and watercourses, marshes, rock outcrops, wooded areas, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
 - (4) Location and names of any adjacent subdivisions, parks, cemeteries and owners of record of abutting unplatted lands.
 - (5) Existing zoning on and adjacent to the proposed subdivision.

- (6) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum.
 - (7) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch-basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto.
 - (8) Location, width and names of all proposed streets and public rights-of-way such as alleys and easements and approximate dimensions of all lots together with proposed lot and block numbers, building set back lines and access restrictions.
 - (9) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use ~~or which are to be used for group housing, shopping centers, church sites, or other non-public uses not requiring lotting.~~
 - (10) Approximate radii of all curves and angles or intersection of connecting streets.
 - (11) The size in square feet of all lots (including outlots).
 - (12) The dimensions (in feet) of all lot boundary lines.
 - (13) The width of any lot, measured at the building line, that fronts upon a curve or cul-de-sac, unless the length of the front lot line meets or exceeds the lot width standards required by Chapter 22.
- (C) Supplemental Data. The preliminary plat shall also include on its face or on supplemental maps drawn to a scale of not more than 200 feet to the inch:
- (1) The entire area continuous to the proposed plat and owned or controlled by the subdivider even though only a portion of said area is proposed for immediate development.
 - (2) Contours at vertical intervals of five (5) feet or less. Elevations shall be marked on such contours based on U.S.G.S. datum.
 - (3) If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated their direction and distance from the tract, size, and invert elevations.

- (4) Any proposed lake and stream improvement or relocation, and any proposed lake stream access clearly indicating the location of the proposed subdivision in relation to the access.
 - (5) The streets and other public improvements planned by public authorities, in or within 200 feet of the tract, if such information is supplied by the planning board, or other appropriate agency.
- (D) **Street Plans and Profiles.** The City Engineer may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon U.S.G.S. datum, and plans and profiles shall meet the approval of the City Engineer.
- (E) **Subsurface Tests.** The City Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, subdivision will not be served by public sanitary sewer service, the provisions of Chapter SPS 385 H65 of the Wisconsin Administration Code shall be complied with; and the appropriate data submitted with the preliminary plat.
- (F) **Covenants.** The Community Planning and Development Director may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

21.07 FINAL PLATS AND DATA. (A) **General.** A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

- (B) **Additional Information.** The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:
- (1) Exact length and bearing of the centerline of all streets.
 - (2) Exact street width along the line of any obliquely intersecting street.
 - (3) Railroad right-of-way within and abutting the plat.
 - (4) Setbacks or building lines required by the Chapter 22.
 - (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

- (6) Special restrictions required by the City Plan Commission relating to access control along public ways or to the provision of planting strips.
- (C) Deed Restrictions. The City Plan Commission may require that deed restrictions be filed with the Final Plat.
- (D) Survey Accuracy. The City Engineer shall examine all Final Plats within the City for the accuracy and closure of survey, proper kind and location of monuments and legibility and completeness of the drawing.
- (E) Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.
- (F) Certificates. All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.
- (G) Recordation. The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Common Council, of the surveyor, and those certificates required by Section 236.21, Wisconsin Statutes, are placed on the face of the Plat and executed by all parties. Upon recordation of the Plat, Subdivider shall submit copies of the Plat and all engineering drawings to the Department of Community Development in digital formats approved by said Department.

21.08 CERTIFIED SURVEY MAP. (A) When Required. A Certified Survey Map prepared by a registered land surveyor shall be required for all minor subdivisions and lot consolidations. It shall comply in all respect with the requirements of Section 236.34 of the Wisconsin Statutes and the requirements of this Ordinance, provided, however, that minor subdivisions are excepted from the improvement requirements set forth in Section 21.11 of this Ordinance, unless the Map is used for dedication of right of way.

- (B) Additional Information. The map shall be prepared on ~~tracing cloth or~~ paper of good quality of a size and to the scale prescribed by the recording agency and in addition to the information required by Section 236.34 of the Wisconsin Statutes, shall show correctly on its face:
 - (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (2) Setbacks of all existing and proposed buildings from any existing or proposed lot line(s).
 - (3) All lands reserved for future acquisition.

- (4) Date and graphic scale of the map.
 - (5) Name and address of the owner, subdivider and surveyor.
- (C) Certificates. (1) The surveyor shall certify on the face of the Map that he has fully complied with all the provisions of this Ordinance. The City Plan Commission after a recommendation by the reviewing agencies, shall certify its approval on the face of the Map.
- (2) Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(z) of the Wisconsin Statutes.
- (D) Recordation. The Certified Survey Map may be recorded with the County Register of Deeds after the certificates of the City Plan Commission and the surveyor are duly placed on the face of the Map and executed accordingly.

21.09 STATE PLANE COORDINATES. Where a tract of land is located within a U.S. Public Land Survey quarter section, the corners at which have been relocated, monumented and coordinated by the City, the plat thereof shall be tied directly to one of the section or quarter section corner so located, monumented and coordinated.

The exact grid bearing and distance of such tie shall be determined by field measurement; referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the City's central survey.

The material and plane coordinate of the monument marking the relocated section or quarter section corner to which the plat is tied, shall be shown correctly on the plat map.

21.10 CONSERVATION SUBDIVISIONS

(A) General Description. A conservation subdivision shall mean a residential development in which the buildings and accessory uses are clustered together into one or more groups and leaving part of the site undeveloped. The land not included in the building site area shall be permanently preserved as open space. The use of this ordinance is voluntary on the part of the applicant and represents an alternative approach to conventional subdivision development. A conservation subdivision may be allowed in the R-1, R-2, R-3, and PUD districts.

(B) Purpose. A Conservation Subdivision as approved allows an alternative pattern of land development to the conventional subdivision. It is intended to encourage the conservation of more significant open space, while at the same time providing for a greater mixture of housing types in the City. Dwelling units shall be constructed in appropriate clusters which are harmonious with neighborhood

development and will enhance the ecological and visual qualities of the environment. The overall site design and amenities should improve the quality of living for residents of the development and the City in general. The following benefits are expected to be gained by the alternative pattern of development which a Conservation Subdivision allows:

- (1) Economical and efficient street, utility and public facility installation, construction, and maintenance.
 - (2) Efficient allocation, distribution and maintenance of open space, and the preservation of common land for conservation, agriculture, recreation, and general open space use.
 - (3) Protection of waterbodies, existing and potential municipal water supplies, wetlands, floodplains, agricultural lands, wildlife, and other natural resources.
 - (4) Compatibility with the character of the surrounding residential areas and the protection of real property values.
 - (5) Housing development which allows for an integration of a variety of housing types in one project, and efficient use of the land to increase the options for affordable housing.
 - (6) More sensitive siting of buildings and overall site planning; and a better utilization of land in harmony with its natural features and with the general intent of the zoning ordinance through a greater flexibility in design.
 - (7) Uses less land per dwelling unit than permitted under normal development regulations.
- (C) Objectives. The following objectives are important in the development of a conservation subdivision.
- (1) It is desirable to decrease municipal costs and environmental impacts through reduction in the length of streets, utilities, and drainage systems per dwelling units served.
 - (2) It is desirable to increase the amount of contiguous area preserved in a natural state, and to allow for off-street pathways and trails, recreation areas open to all residents of the city, and wilderness areas.
 - (3) It is desirable that all existing scenic vistas be respected and preserved and that new scenic vistas be created.

- (4) It is desirable to increase vehicular safety by having fewer, better located, and better designed egresses onto existing streets.
- (5) It is desirable to preserve environmental quality by reduction of the total area over which vegetation is disturbed by cut or fill or displacement; by reduction in critical lands (slopes in excess of 12%, land within 100 feet by a water body, wetland, or stream having outstanding or rare vegetation) disturbed by construction; reduction of the extent of waterways altered or relocated; reduction in the volume of cut and fill for roads and construction sites.
- (6) It is desirable to have positive benefits to the City in some important respects, such as reduction of environmental damage, better controlled traffic, preservation of current character through location of reserved open space, meeting affordable housing needs, and so on.
- (D) Application and Submittal Requirements. The application, submittal requirements and review standards including administration, fees, powers, hearings, and time limits shall be as provided for in other sections of the subdivision rules and regulations.
- (E) Allowable Uses and Application of Zoning Regulations.

 - (1) Allowable uses are as identified in the zoning district which contains the Conservation Subdivision.
 - (2) All dimensional requirements of the zoning district which contains the Conservation Subdivision shall be followed, unless modified by this section or through a PUD approval.
 - (3) The use of this section supersedes the individual lot size requirements found in Chapter 22 Zoning.
 - (4) Single family, duplex and multifamily clusters may be constructed with each structure on a separate lot or as condominiums with all structures on a single lot under common ownership.
 - (5) Zero lot line development is permitted.
- (F) General Dimensional Requirements

 - (1) The minimum acreage of a subdivision shall be five (5) acres.

- (2) The following minimum dimensional requirements shall apply to each lot within the development:

	Single-family	Two-family	Multi-family
<u>Minimum Lot Frontage</u> <u>(at R.O.W.)</u>	40 feet	50 feet	60 feet
<u>Minimum Lot Width</u> <u>(at building setback)</u>	60 feet	70 feet	80 feet
<u>Minimum Lot Area</u>	5,000 sq. ft.	7,000 sq. t.	8,000 sq. ft.

- (3) Any lot with frontage on a street not within the subdivision shall meet the frontage requirement of the district in which the lot is located.
- (4) No dwelling shall be located less than twenty-five (25) feet from a boundary of the subdivision.
- (5) Modifications or variances to the dimensional standards may be requested following the procedures in Section 21.13 of the Subdivision Ordinance.

- (G) Streets and Utilities. All streets, sewers, drainage facilities, utilities, sidewalks, and other improvements shall be designed in compliance with provisions of this Chapter, unless specifically modified as part of the approval or as part of a PUD approval. In general, waivers may be granted when the following conditions are present:

- (1) The reduction in standards for construction of roads and other improvements will minimize environmental disruption and maintenance of open space. An example of this is minimizing pavement and street width.
- (2) Private streets serving dwellings in a condominium form of ownership are permitted. Ownership and maintenance will be the responsibility of the Condominium Association.

(H) Common Open Space

- (1) Purpose. The location and layout of the Common Open Space shall take into account, preserve, and where appropriate promote such features of the parcel as rivers, ponds, wetlands, historic sites, wildlife habitats, unique geological or botanical areas or features, existing or potential trails, paths and open space links, and sites for active recreation. The Common Open Space shall have restrictions placed on it to ensure that no buildings or roadways can be built on it in the future.
- (2) Minimum Common Open Space
- (a) The total area of the open space parcel(s) shall comprise at least thirty percent (30%) of the total area of the tract or parent parcel.

- (b) Each dwelling in the tract shall have direct access to one or more portions of the open space, unless the City finds that, due to topography or other conditions, this requirement is not feasible.
- (c) A minimum of fifty percent (50%) of the required open space shall be contained in one (1) continuous undivided part.
- (d) The open space land shall be identified as an outlot our outlots on the subdivision plat and shall include a notation that it is not intended for the construction of dwellings or habitable buildings.

(3) Use of Common Open Space

- (a) The Common Open Space shall be used for open space, conservation, gardens, recreation, or park purposes. The Common Open Space shall be in one or more parcels of a size, shape, and location appropriate for its intended use.
- (b) Stormwater ponds or detention facilities shall occupy a maximum of fifty percent (50%) of the open space. Rain gardens and smaller individual stormwater detention facilities near each lot are preferred over larger stormwater ponds for the entire subdivision. The requirements of Chapter 47 – Post Construction Storm Water Management shall be met.
- (c) Open space areas shall not be used as a building site. For purposes of this section, picnic areas or shelters, ball fields, walking or jogging trails, or other similar recreational facilities may be allowed.
- (d) Such areas shall not be devoted to any public street right-of-way or private street easement, private driveway, or parking area.

(4) Ownership and Maintenance of Open Space. The designated common open space and common facilities may be owned and managed by one or a combination of the following:

- (a) Homeowners' Association. A homeowner's association shall be established if the common open space is proposed to be owned by a homeowner's association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for

approval to the City as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowner's association shall contain the following information:

1. The legal description of the common land.
2. A description of common facilities.
3. The restrictions placed upon the use and enjoyment of the lands or facilities.
4. Persons or entities entitled to enforce the restrictions.
5. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.
6. A mechanism for resolving disputes among the owners or association members.
7. The conditions and timing of the transfer of ownership and control of land facilities to the association.
8. Any other matter the developer deems appropriate.

(b) Condominium Associations. If the common open space and facilities is to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common open space shall be held as a "common element" as defined in section 703.02 of the Wisconsin Statutes.

(c) A Nonprofit Conservation Organization. If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the City. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion if the organization becomes unwilling or unable to uphold the terms of the conveyance.

(d) Public Dedication of Open Space. The City may accept the dedication of fee title or dedication of a conservation easement to the common open space. The City may accept the common open space provided:

1. The common open space is accessible to the residents of the City.

2. The City agrees to and has access to maintain the common open space.
- (e) Individual Ownership. An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.
- (5) Maintenance Plan. Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by the City prior to final plat approval.
 - (a) The plan shall do the following:
 1. Designate the ownership of the open space and common facilities.
 2. Establish necessary regular and periodic operation and maintenance responsibilities.
 - (b) In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition in accordance with the maintenance plan and all applicable laws, rules, and regulations, the City may serve written notice upon such organization and upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation this Ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The City may enter the premises and take corrective action.

The costs of corrective action by the City shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The City, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.

- (c) Management plans can be amended by the owner with the approval of the City.

~~**DEDICATIONS OF PUBLIC PARKS AND OTHER PUBLIC SITES.** (A) Purpose and Intent. The requirements of this section are established to insure that adequate parks, open spaces and sites for other public uses are properly located and preserved as the City grows and that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of additional needs created by the development. The requirements shall apply to all lands within the City proposed for all residential development, including those which do not involve an additional land division. These provisions shall not apply to subdivisions within the City's extraterritorial platting jurisdiction.~~

~~(B) When Required. Any development approval that enables the creation of additional dwelling units, shall require compliance with this parkland dedication or fee-in-lieu-of-land payment requirement. This includes any land division which creates new lots. It also include any building permit for more than one dwelling unit per existing lot (duplex, two flat, or multi-family building). Single family homes to be constructed on vacant lots which pre-date the adoption of this ordinance are exempt.~~

~~(C) Areas to be Dedicated. (1) In the design of a subdivision, including minor subdivisions, or planned developments, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, schools and other public purposes. Such sites as shown on the Master Plan or Comprehensive Plan or Parks and Open Space Plan shall be made a part of the design. Where such are not shown on said plans or maps, consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, ponds, streams, and woodland, prairie and wetland plant and animal communities.~~

~~(D) Dedication of Parks, Playgrounds, Recreation and Open Spaces. (1) The developer or subdivider shall dedicate sufficient land area to provide adequate park, playground, and open space to meet the needs created by the land division, subdivision or comprehensive development. The minimum dedication shall be the greater of 2 acres of land or:~~

- ~~(a) Five percent (5%) of the total acreage intended to be used for single-family dwelling units;~~
- ~~(b) Ten percent (10%) of the total acreage intended to be used for duplexes;~~
- ~~(c) Fifteen percent (15%) of the total acreage intended to be used for multi-family dwellings.~~

~~(2) For smaller subdivisions the Plan Commission may, if recommended by the Parks and Recreation Commission, accept a land dedication of less than~~

~~two (2) acres, if it determines that the parks and recreation needs of the subdivision will be met by a smaller dedication.~~

~~(E) — Combination of Residential Uses. (1) Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding five percent (5%) of the acreage intended for single-family dwellings, ten percent (10%) of the acreage intended for duplex dwellings and fifteen percent (15%) of the acreage intended for multi-family dwellings. Where a definite commitment is made to the City by the developer with respect to the number of dwelling units to be constructed on any parcel of land, the dedication shall be based on that number. Where no such commitment exists, the dedication shall be based on the maximum number of dwelling units permitted in the zoning district. The Plan Commission shall recommend additional dedications if:~~

~~(a) — The number of lots in the plat or survey is increased, or~~

~~(b) — The zoning classification is changed to increase the number of dwelling units allowed, or~~

~~(c) — The committed number of dwelling units is increased by the subdivider, developer, or landowner.~~

~~(F) — Access Linkages. (1) All subdivision, minor subdivisions, and planned development projects are required to provide convenient pedestrian and bicycle linkages to park and recreation sites. Where, in the opinion of the Plan Commission, such linkages are required outside the public street right-of-way, they shall be reserved by easement and developed as an obligation of the subdivider or developer. The development of linkages shall not be counted toward the park land dedication requirements in paragraph 3 above.~~

~~(G) — Minimum Size of Park and Playground Dedications. (1) Any land to be dedicated as a requirement of this section shall be reasonably adaptable for the intended park and recreation uses and shall be at a location convenient to the people served. Factors used in evaluation of the adequacy of a proposed park and recreation area shall include, but not be limited to; size, shape, topography, geography, tree cover, access, and location. The determination of land suitability will be at the sole discretion of the Plan Commission acting on the recommendation of the Parks and Recreation Commission. The land reserved for recreation purposes shall have an area of at least two (2) acres (with the exception of small subdivisions as enumerated above). Where the amount of land to be dedicated is less than two acres, the Parks and Recreation Commission may require that the recreation area be located at a suitable place on the edge of the proposed land division. In no case, shall an area of less than one (1) acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.~~

- ~~(2) All lands dedicated under this section shall have at least two hundred (200) feet of frontage on a public street. The Plan Commission and Parks and Recreation Commission may adjust this frontage requirement if better alternatives for access are provided. Of the abutting frontage, all costs of public streets, sidewalks, and utilities (normally accessible) shall be paid for by the developer or subdivider.~~
- ~~(H) Fees in Lieu of Land. (1) The Plan Commission shall require the developer or subdivider to pay a fee in lieu of making the land dedication where one or more of the following conditions exists:~~
- ~~(a) There is no land suitable for parks within the proposed subdivision or planned development project, or~~
 - ~~(b) The dedication of land is not feasible, or~~
 - ~~(c) The dedication of land would not be compatible with the Comprehensive Plan and Community Outdoor Recreation Plan, or~~
 - ~~(d) The Plan Commission, acting on the recommendation of the Parks and Recreation Commission determines that a cash contribution or other land, fees or some combination will better serve the public interest.~~
- ~~(2) The Plan Commission and the Parks and Recreation Commission may require or permit the subdivider or developer to satisfy the dedication requirements of this section by combining land dedication with fee payments.~~
- ~~(3) The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. For each proposed residential development, the fee shall be five hundred dollars (\$500) for each residential lot or three hundred dollars (\$300) for each living unit, whichever is greater.~~
- ~~(4) The fee in lieu of land dedication shall be paid for each unit at the time of building permit application.~~
- ~~(5) The Common Council shall place any fee collected pursuant to the provisions of this section in a separate non-lapsing segregated fund to be used for land acquisition or development of adequate park, playground, recreation and open space. Money spent may be expended in other neighborhoods or community facilities in reasonable proximity to the subdivision, as determined by the Common Council upon recommendation by the Parks and Recreation Commission.~~

- ~~(6) Land dedicated for public purposes shall be deeded to the City at the time the Final Plat is approved. Other areas that may be considered for dedication to the public may include: school sites, scenic or historic sites, and other areas.~~
- ~~(I) Suitability of Lands. (1) The Parks and Recreation Commission shall have the authority to recommend the suitability and adequacy of park lands proposed for dedication to the Plan Commission/Common Council. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.~~
- ~~(J) Deeded to the City. (1) Land dedicated for public purposes shall be approved by the Plan Commission and Common Council and dedicated prior to the issuance of the first building permit for the subdivision.~~
- ~~(2) If the proposed dedication is located in a future subdivision phase and is not adjacent to the subdivision containing the property receiving the first building permit, adequate access to the park land shall be provided by easement or similar method until such time as public right-of-way access is constructed to the park land.~~
- ~~(K) Exceptions. (1) The specific number, amount or location of required dedications, reservations and fee payments shall be determined by the Plan Commission upon the recommendation of the City Engineer and the Director of Community Planning and Development. All dedications shall be approved by the Common Council.~~
- ~~(2) Where a lot or parcel of land for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created. No payment however, shall be required for a lot created by the division of land under this ordinance, on which a residential structure already exists, or which is a residential parcel in excess of 5 acres, and not intended for immediate sale or development.~~

21.11 IMPROVEMENTS. (A) Public Improvements to be Installed at the Developer's Expense. The developer shall be required to install, at his/her own expense, all public improvements related to the subdivision, unless the City approves a Special Assessment project as outlined below. At minimum, the subdivider shall be responsible for the following:

- (1) Streets, including pavement, curb and gutter;
- (2) Water system, including mains, valves, hydrants and appurtenances;
- (3) Sanitary sewer system, including mains, manholes, and other required structures;

- (4) Storm sewer system, including pipe, manholes, catch basins, culverts, and other structures, both on public and private property; Stormwater management facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, infiltration facilities, storage facilities, and settling basins, including bioretention basins with underdrains, infiltration trenches, and other green stormwater infrastructure as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required, and the design criteria, shall be determined by the City Engineer while considering the nature of the topography and discharge location within and adjacent to the land division. Stormwater management facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all stormwater management facilities proposed to be constructed shall be in accordance with the requirements of Chapter 47 and the plans and specifications approved by the City Engineer.
 - (5) Sidewalks, as outlined below;
 - (6) Public utilities. The developer is responsible for working with the public utility companies for installation of electric and gas service, telecommunication telephone, cable, street lighting and other public utilities.
 - (7) Other public improvements that are deemed necessary by the City Engineer to serve the subdivision and local utility networks.
 - (8) The subdivider shall prepare an erosion and sedimentation control plan addressing the installation and maintenance of soil erosion and sedimentation control measures. Such plans shall meet the requirements set forth in Chapter 46, the site erosion and sedimentation control ordinance.
- (B) Before final approval of the plat, the subdivision shall be monumented as required by Section 326.15 of the Wisconsin Statutes and the subdivider shall comply with all requirements of the City of Platteville Development Policy as adopted and amended by the Common Council.
- Compliance shall include the preparation of all improvement plans, payment of fees, provision of waiver of Special Assessment Notices and such other conditions as the Common Council, Water and Sewer Commission and Plan Commission may require.
- (C) Methods of Financing (Improvements to Plats within the City Limits). No final plat for the subdivision of land in the City of Platteville shall be approved by the Common Council until the subdivider has made arrangements to install required improvements as hereinafter provided.

Improvements may be provided by the subdivider in one of the following ways:

- (1) By entering into a contract with the City of Platteville, before the final plat is submitted for approval, agreeing that he will install the required improvements. Projects may be completed in phases with the final plat for each phase of the project being subject to approval by the Common Council. The subdivider shall file with said contract a bond meeting the approval of the City Attorney or a certified check or letter of credit in an amount equal to the estimate of cost of said improvements as prepared by the Director of Public Works. Such bond, check or letter of credit shall constitute a guarantee that such improvements will be completed by the subdivider or his contractors not later than one (1) year from the date of recording of the plat, however, sidewalks may be completed as outlined below. Such bond, check or letter of credit shall also constitute a further guarantee that all obligations to subcontractors for work on the development are satisfied.

The subdivider and/or his contractors shall abide by current City ordinances relative to the repairs and/or maintenance of all sidewalks.

The contractor and/or subcontractors who are to be engaged in the construction or improvements on dedicated street right-of-way shall be designated as qualified for such work by the Director of Public Works.

Governmental units to which these bond and contract provisions apply may file in lieu of said contract or bond, a letter from officers authorized to act in their behalf, agreeing to comply with the provision of this Section.

- (2) The subdivider may in lieu of options 1. & 2. above, avail himself of special assessment financing for the installation of the improvements required by this Ordinance including sewer, water, grading, storm sewer, sub-surface and street surfacing including curb and gutter, and sidewalk installation. The cost of such special assessments shall be based upon the Director of Public Works' estimates for 100 percent of said improvements, plus engineering costs, if the City provides this service.

If the subdivider desires to avail himself of special assessment financing, he shall submit an application to the Director of Public Works in accordance with the applicable special assessment improvements policy of the City, requesting installation of such improvements and expressly waiving all legal requirements, including the right to notice and hearing, with respect to the special assessments to be levied in connection therewith. Assessment shall be levied in accordance with Section 22.14 below.

- (D) Screen Plantings. The subdivider shall plant or otherwise provide planting strips, fences or other required buffers along lots backed up to or adjoining any existing or future major street, commercial district or industrial area.
- (E) Improvement Plans. The City Engineer may require the following plans and accompanying construction specifications and that such plans be prepared by an engineer, before and as a basis for authorizing the construction or installation of improvements:
- (1) A complete grading plan of the entire subdivision, including grading of right-of-way areas to accommodate sidewalk construction.
 - (2) Water main plans and profiles showing the location, sizes, elevations and materials for the required facilities.
 - (3) Sanitary sewer plans and profiles showing the location, sizes, grades, elevations and materials of required facilities.
 - (4) Street plans and profiles showing existing and proposed grades, elevations, and cross-sections of required improvements.
 - (5) Storm sewer plans and profiles showing the location, grades, sizes, cross-sections, elevations and materials of required facilities.
 - (6) Plans for drainage structures and flood control devices.
 - (7) Planting plans showing the location, age and species of any required street trees.
 - (8) Lighting plans showing the location of overhead street lights at all intersections and at locations not exceeding 500 feet between lights.
 - (9) Electric, natural gas, and telecommunications utilities shall be placed underground in new subdivisions.
 - (10) Additional special plans or information as required.
- (F) Inspection. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the City Engineer to provide for adequate inspection of all improvements and installations. The City Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.
- (G) Development Agreement. Before or as a condition of receiving final approval from the Common Council of any final subdivision plat or certified survey map for which public improvements are required by this Ordinance, or for which public improvements, dedications, or fees are being deferred under this Ordinance, the

subdivider shall sign and file with the City a development agreement. The development agreement shall be subject to approval by the Common Council prior to approval of the final subdivision plat or certified survey map.

21.12 DESIGN STANDARDS. (A) Design Specifications. All construction of public improvements within a subdivision shall follow the adopted City of Platteville Specifications for Public Improvements. In addition, all subdivisions shall be designed so as to accommodate the general requirements as listed below.

- (B) Streets – General Considerations. (1) Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public safety and convenience, and in appropriate relation to the proposed uses of the land to be served by such streets.
- (2) Proposed streets, and all improvements or utility services required by this Ordinance, shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent tracts.
- (3) Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontages, with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.
- (4) Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the City under conditions approved by the Plan Commission.
- (5) Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Plan Commission, but shall not be approved in residential areas. Deadend alleys shall not be approved and alleys shall not connect to a major thoroughfare.
- (6) Street names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.
- (C) Streets – Specific Standards. (1) The minimum right-of-way and roadway width of all proposed streets and alleys shall be specified by the comprehensive plan, comprehensive plan components, official map, or other officially adopted standards; or if no width is specified therein, the minimum widths shall be as follows:

MINIMUM STREET WIDTHS

Urban Section:

<u>Type of Street</u>	<u>Minimum R.O.W. Width</u>	<u>Minimum Pavement Width (a)</u>	
		<u>Desirable</u>	<u>Absolute</u>
Major Street	80 feet	52 feet (b)	44 feet
Collector Street	70 feet	44 feet (b)	40 feet
Minor Street	60 feet	36 feet (c)	28 34-feet
Cul-de-Sac Street	60 feet	36 feet (c)	28 32-feet
Frontage Street	50 feet	30 feet (d)	26 feet
Alleys	24 feet	20 feet	20 feet
Pedestrian Ways	10 feet	5 feet	5 feet

Rural Section: (e)

<u>Type of Street</u>	<u>Minimum R.O.W. Width</u>	<u>Minimum Pavement Width</u>
Arterial Streets	120 feet (f)	Dual 24 ft. pavement with 10 ft. outside & 4 ft. inside and a 24 ft. median
Collector Streets	80 feet	22 ft. pavement with a 10 ft. outside shoulder on both sides
Minor Streets	66 feet	22 ft. pavement with a 8 ft. shoulder on both sides

- (a) Pavement widths shall be measured from face of curb to face of curb.
- (b) The Plan Commission, upon recommendation by the City Engineer, shall establish definite widths to best accommodate anticipated traffic.
- (c) The City Engineer shall determine the exact width required and may reduce the stated minimum widths by as much as 6 feet where parking is restricted on one side of the street.
- (d) Shall be of adequate width to provide 2 10-foot travel lanes and a suitable parking lane on the side adjacent to the development.
- (e) The minimum requirements expressed in this table generally exceed the minimum town road design standards set forth in Section ~~82.50~~ ~~86.26~~ of the Wisconsin Statutes.
- (f) 80 feet to be dedicated and 40 feet to be reserved for acquisition by the City.

- (2) Grades. The grade of major and collector streets shall not exceed 6 percent, unless necessitated by exceptional topography and approved by

the Plan Commission. The grade of all other streets shall not exceed 8 percent unless so necessitated and in no case shall the grade of any street exceed 10 percent or be less than one-half of one percent.

- (3) Vertical Curves. All changes in street grades shall be connected by a parabolic vertical curve of a minimum length in feet equal to 15 times the algebraic difference in grade for major or collector streets, or one-half of this value for all other streets.
 - (4) Radii of Curvature. When a continuous street centerline deflects at any one point by more than 5 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
 - (a) Major Streets: 300 feet
 - (b) Collector Streets: 200 feet
 - (c) Minor Streets: 100 feet
 - (5) Tangents. A tangent at least 100 feet long shall be introduced between reversed curves on major and collector streets. On all streets, at least 100 feet of tangent shall be provided between a curve and any intersection with a major or collector street and one-half this value at an intersection with any other street.
 - (6) Cul-de-Sac Streets. Streets designed to have one end permanently closed shall not exceed 500 feet in length and shall terminate with a turnaround of not less than 110 feet in diameter of right-of-way or 90 feet in diameter of outside curb.
 - (7) Half Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half-streets is not permitted.
- (D) Intersections. (1) Layout. Streets shall intersect as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the Council.
- (2) Spacing. The number of intersections on major streets shall be held to a minimum and if feasible, the distance between such intersections shall be 1000 feet or more.
 - (3) Alignment. Where streets intersect and cross other streets, jogs or off-center alignment shall be avoided. The centerline of streets approaching from opposite sides of a major street shall be adjusted so as to be continuous or separated by a distance of at least 150 feet when so required as a condition of plat approval.

(E) Sidewalks. (1) Where Required.

- (a) Residential Subdivisions. Sidewalks are required in all new residential subdivisions. Sidewalks shall be located on both sides of public streets, except where such installation may involve significant grade and/or ground preparation issues. Sidewalks may be located on only one side of a street terminating in a cul-de-sac, provided that the distance between the center of the cul-de-sac and the entrance to the street does not exceed 300 feet.
 - (b) Non-Residential Subdivisions. The installation of sidewalks may be waived in non-residential subdivisions where it is determined by the Common Council, after recommendation by the Plan Commission and Community Safe Routes Committee, that the development in question will not be served by pedestrian traffic and that sidewalks are not needed within the development to complete or extend existing sidewalk networks. The Platteville Area Industrial Development Corporation shall provide a recommendation regarding the installation of sidewalks within the City's Industry Park.
 - (c) Planned Unit Developments. The location and installation of sidewalks for subdivisions located within Planned Unit Developments shall be determined by the approved site plan and/or development agreement.
- (2) Installation. Sidewalks shall be installed when any one of the other following conditions has been met:
- (a) Sidewalks shall be constructed along the frontage of each lot within the subdivision prior to the occupancy permit being issued for the structure on the lot. An occupancy permit has been issued to the last building constructed along one side of any individual block within the development.
 - (b) All sidewalks within the subdivision shall be completed within three (3) years of the streets being installed or the date included in an approved development agreement. If the sidewalks are not installed by this date, the City may have the sidewalks installed and recover said costs from the bond or letter of credit provided as required by the development agreement. Twenty-four months have expired since all of the lots have been purchased from the original developer of record, and at least 75% of the buildings have been issued occupancy permits, for lots located along one side of any individual block within the development.

~~(c) Five years have passed since the street was constructed.~~

When one of the above conditions has been met, the Director of Public Works may include the construction of the sidewalks in a public contract. The cost of the sidewalk construction shall be assessed to the adjoining property owner(s). The property owners may request the Common Council to defer construction of the sidewalks, after recommendation by the Plan Commission and Community Safe Routes Committee.

(3) Standards. All sidewalks constructed within the City of Platteville street right-of-way shall be constructed to the most current ADA accessibility guidelines, the applicable requirements of the Wisconsin Department of Transportation, the current standards of the City of Platteville, and the following

(a) Sidewalks shall be a minimum of ~~five~~ ~~four~~ (54) feet in width. When a sidewalk is combined with a recreation trail or other public way, the Public Works Director shall determine an adequate width. ~~If topography or right-of-way width will not allow a five (5) foot sidewalk, the sidewalk shall meet current PROWAG guidance.~~

(b) Sidewalks shall be constructed of concrete.

(c) Sidewalks shall be a minimum of four (4) inches thick. Sidewalks shall be installed through driveway sections to provide a uniform walking section and appearance. The thickness of the sidewalk through the driveway section shall be a minimum of six (6) inches thick.

(d) Sidewalks shall meet current Pedestrian Right-of-Way Accessibility Guidelines (PROWAG).

(e) Sidewalks shall be installed so that the side furthest from the curb is located on the right-of-way line. The Director of Public Works may allow a variance from this requirement when it is in the public interest. The following criteria will help guide location decisions:

1. A number of large healthy trees would be injured or require removal.
2. Sidewalk alignment within a block would be different from existing walks within said block.
3. Severe grade problems would result.
4. Construction of a sidewalk would impact stormwater management.
5. If the installation of the sidewalk at the right-of-way line would violate PROWAG standards.

- (f) Sidewalk locations and grades shall be determined by the original developer with approval by the Directory of Public Works prior to development of the subdivision. It is the responsibility of the property owner to install a driveway with a section for a public sidewalk ~~in accordance with 4.13(j).~~
- (F) Blocks. (1) General. The lengths, widths and shape of blocks shall be appropriate for the topography, the type of development contemplated, and the zoning requirements for the particular district.
- (2) Dimensions. Block lengths in residential areas shall not be more than 1500 feet and if feasible, not less than 400 feet between street lines. Blocks shall be of sufficient width to provide for two rows of lots.
- (3) Pedestrian Ways. A right-of-way of not less than 10 feet in width may be required through the center of blocks more than 900 feet in length if deemed essential to provide circulation or access to community facilities.
- (4) Easements. Easements across lots or centered on rear or side lot lines shall be provided for the installation of utilities where necessary and shall be at least 10 feet wide and such easements shall be continuous from block to block. When an easement is centered on a rear or side lot line the width of the easement in each lot can be added together to meet the width requirement. Electric and telecommunications in new subdivisions shall be located underground and may use the right-of-way or easements as described above.
- (G) Lots. (1) In General. The size, shape and facing of lots and the minimum building setback lines shall be appropriate for the topography of the subdivision and for the type of development and use contemplated.
- (2) Lot Dimensions. Residential lots shall have a minimum area of ~~6,000~~ 8000 feet and a minimum width of ~~60-70~~ feet at the building line provided, however, that the requirements of the zoning regulations insofar as it may specify greater areas or distance shall be complied with.
- (3) Extra Width or Area. Residential lots to be served by private sewage disposal facilities shall comply with the rules of the State of Wisconsin-Board of Health. Corner lots for residential use including lots abutting pedestrian way, shall have a width sufficient to provide the required setback from each right-of-way.
- (4) Access. Every lot shall front or abut on a public street for a distance of at least forty (40) feet.

- (5) Double Frontage. Not permitted except where desirable to provide separation from major streets or incompatible uses. Access restriction and screen plantings may be required across the rear 20 feet of double frontage lots.
- (6) Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines whenever possible.
- (7) Large Lots. A tract subdivided into parcels containing one or more acres shall be arranged to allow the resubdivision of any such parcels into smaller lots in accordance with the provisions of these subdivision standards.
- (8) Municipal Boundaries. Lots shall follow municipal boundary lines.

(H) Easements.

- (1) Utility Easements. The City may require utility easements of widths deemed adequate for the intended purpose as determined by the City Engineer. Such easements shall be located as determined by the applicable utility company and subject to approval by the City Engineer, but preferably should be located along rear and side lot lines or in midblock easements and should be designed to avoid the location of such facilities as electric power transformers in the flow lines of drainage swales and ditches. All lines, pipes, cables and similar equipment shall be installed underground unless the City finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers would make underground installation impractical, or that the lots to be served by said facilities can be served directly from existing overhead facilities and requiring underground installation would constitute an undue hardship upon the subdivider. Associated equipment and facilities that are appurtenant to underground electric power, communications, and gas facility systems, including but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. Such aboveground equipment shall be placed in a visually unobtrusive location from public view or a landscape screening plan shall be submitted by the subdivider to the affected utility and the City for approval. All utility easements shall be noted on the final plat or certified survey map followed by reference to the use or uses for which they are intended.
- (2) Drainage Easements. Where a land division is traversed by a drainageway or stream, an adequate easement shall be provided as required by the City. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the City Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open

channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the City Engineer.

- (3) Vision Clearance Easements and Access Easements. The City may require vision corner or clearance easements, cross-access easements, non- or controlled-access easements, and shared-access easements as a condition of plat or certified survey map approval to minimize potential traffic hazards. Access provisions shall be evaluated on case-by-case basis to determine the safety and practicability of cross- and shared-access (i.e. shared entryway or driveway entrance).

21.13 MODIFICATIONS.

- (A) Variances. When in the judgment of the Plan Commission and the Council it would be inappropriate to apply literally a provision of this chapter because the subdivision is located outside the corporate limits, or because extraordinary hardship would result, the terms of the provision may be waived ~~justice and secure the public interest~~, provided that in no event shall the requirement of securing prior approval or of filing and recording the plat be waived. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the community in accordance with an adopted comprehensive plan or component thereof. No exception or modification shall be granted unless the Common Council finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:
- (1) Exceptional Circumstances. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this Ordinance should be changed.
 - (2) Preservation of Property Rights. That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
 - (3) Absence of Detriment. That the exception or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
 - (4) A Majority Vote of the quorum of the Common Council shall be required to grant any exception or modification of this Ordinance, and the reasons shall be entered into the minutes of the meeting.
- (B) Large Scale Developments. These regulations may be modified by the reviewing authority in the case of a plan for a complete neighborhood unit development that:

- (1) Provides for the needs of the persons expected to reside or work in the developed area, and is in harmony with the development in adjacent areas and with the character of the community;
- (2) Insures a desirable use of available land in keeping with the principles of good land use planning;
- (3) Takes into account the natural features of the area and provides for and dedicates sufficient open space;
- (4) Includes provisions for efficient circulation and adequate services and facilities;
- (5) Will constitute a desirable and stable community development.

(C) Sidewalk Installation Exceptions.

- (1) The following criteria shall be used to guide decisions regarding exceptions to the sidewalk installation requirements.
 - a. Lack of available space in the public right-of-way, or other physical constriction does not allow for the construction of sidewalks to the current accessibility requirements or guidelines.
 - b. High construction costs due to technical challenges associated with topography, water drainage patterns, or obstructions.
 - c. The area is a low-priority sidewalk area as identified by the Sidewalk Plan and Map.
- (2) The Common Council, after receiving input from the Director of Public Works, the Community Safe Routes Committee, and the Plan Commission, may take the following action regarding :
 - a. Deny the exception and require sidewalks to be installed.
 - b. Allow the sidewalks to be installed on one side of the street only.
 - c. Approve the exception.
 - d. Allow for a delayed sidewalk installation as part of a development agreement.
 - e. Allow for the payment of a fee-in-lieu-of sidewalk installation as part of a development agreement. The fee will be used for the future installation of sidewalks in the vicinity of the subdivision.

(3) If an exception is approved, the developer of the subdivision shall still maintain the terrace area free of landscaping or other improvements that would inhibit the future installation of sidewalks.

~~Whenever possible, shopping center sites and land designated for industrial park development shall be designated according to unit development principles in contrast to conventional lotting practices.~~

- (D) Legal Guarantees. The plans for a modified development shall include such covenants, restrictions or other legal provisions as will guarantee the full achievement of the plan.
- (E) Application for Modification. Application for any such modification shall be made in writing by the subdivider at the time the preliminary plat is filed for consideration, stating fully and clearly all the facts relied upon by the petitioner, and shall be supplemented with maps, plans, and other additional data which may aid the reviewing authority in the analysis of the proposed project.

21.14 SPECIAL ASSESSMENT POLICY. (A) Findings and Declaration of Policy. The City of Platteville finds that special assessments are sometimes necessary for the payment of certain municipal work or improvement. ~~It is declared that the policy of the~~ The City of Platteville ~~may is to~~ apply special assessments to the following categories of work or improvement: construction of new sidewalk, construction of new curb and gutter, new pavement, ~~and~~ installation of new Water and/or Sewer mains, and new Water and/or Sewer services or laterals. The policy of the City of Platteville with respect to subdivision development is found in Chapter 21.11. The City of Platteville shall impose special assessments as an exercise of Police Power, unless otherwise directed by law.

- (B) Intent and Purpose. The purpose of this section is to publicly declare which categories of municipal work or improvement will normally be assessed to properties benefited by such work or improvement. It also declares the form of such assessment and generally how the calculations for special assessments will be conducted, including deductions.
- (C) Statutory Authority. This section is adopted as authorized under Wisconsin Statutes, Section 66.0701.
- (D) Interpretation. It is not intended by this section to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances, resolutions or permits previously adopted or issued pursuant to law. Where any terms or requirements of this section may be inconsistent or conflicting, the more restrictive requirements or interpretations shall control.

(E) Effective Date. This ordinance shall become effective for all special assessments with Preliminary Resolutions enacted on or after March 12, 2002.

(F) Procedures. The following are the standard procedures with approximate timelines.

(1) Plan and Budget. The Director of Public Works will develop a 5 Year Capital Investment Plan and consider new sidewalk, new curb and gutter and new water and/or sewer mains. The Director of Public Works will receive guidance and approval from the City Manager, Water and Sewer Commission and Common Council in development of the plan. This 5 Year Plan will be the basis for budgeting the upcoming year's projects. This normally occurs in the fall with budget approval in November/December.

(2) Preliminary Resolution. The Director of Public Works will prepare Preliminary Resolution(s) for consideration by the Common Council for all new sidewalk, new curb and gutter and new water and/or sewer mains. The resolution shall specify the intention to finance the public work or improvement or current service in whole or in part by special assessments, and the time, after completion of the work or improvement, when the amount of the assessments will be determined and levied, the number of annual installments, if any, in which assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of the assessments may be deferred while no use of the improvement is made in connection with the property.

This process normally takes two separate Council meeting dates and should be completed before the project is started. The preferred form of the Preliminary Resolution is for the City to exercise Police Powers under Wisconsin Statutes, Section 66.0703.

(3) Report of the Director of Public Works. The Director of Public Works will prepare the report specified in the Preliminary Resolution in the manner provided by Section 66.0703(4) & (5), Wisc. Stats. This will normally occur after the receipt of bids for projects done by private contractors. If the project is to be completed by City or Utility employees, the Director will use the Engineer Estimate as the basis for assessment. Calculations will be on a fair share basis as follows:

(a) New Sidewalk. The Director of Public Works will determine the cost of installation per linear foot of sidewalk as specified in paragraph C. This linear foot determination will be based on the linear feet of the property frontage. If the project is partially funded with Federal and/or State funds, the cost per linear foot of sidewalk will be on a percentage basis of the City's share of the project, e.g. if the Federal and/or State share of a project which includes new sidewalk

- installation is 50%, then the assessment will be for 50% of the cost of installation per linear foot.
- (b) **New Curb and Gutter.** The Director of Public Works will determine the cost of installation per linear foot of curb and gutter. This linear foot determination will be based on the linear feet of the property frontage. If the project is partially funded with Federal and/or State funds, the cost per linear foot of curb and gutter will be on a percentage basis of the City's share of the project, e.g. if the Federal and/or State share of a project which includes new curb and gutter installation is 50%, then the assessment will be for 50% of the cost of installation per linear foot.
 - (c) **New Water and/or Sewer Main.** The Director of Public Works will determine the cost of installation of new water and sewer main to service a new subdivision or area. The assessment will be calculated on an area basis. The area basis will be calculated on the size of the individual lots served by the new utility. If an owner has a lot that could be subdivided, but has not intention to ever do so; he/she may request in writing to the Director of Public Works that the City install only one water service and one private sewer lateral connection for the multiple size lot.
 - (d) New Water or Sewer service or lateral. The Director of Public Works will determine the installation cost for Water Service per lot or Sewer Service lateral per lot.
 - (e) New Pavement. The Director of Public Works will determine the cost of installation per linear foot of new pavement. This linear foot determination will be based on the linear feet of the property frontage. If the project is partially funded with Federal and/or State funds, the cost per linear foot new pavement will be on a percentage basis of the City's share of the project, e.g. if the Federal and/or State share of a project which includes new pavement installation is 50%, then the assessment will be for 50% of the cost of installation per linear foot.
- (4) **Public Hearing.** The City Clerk will schedule a Public Hearing and notify affected property owners according to statutes. The Common Council will conduct a Public Hearing to determine the appropriateness of assessment, the amount of assessment and payment schedule. At the conclusion of the Public Hearing, the Common Council will take action on the assessment as appropriate. The Director of Public Works will execute the project as authorized by the Council.
 - (5) **Final Resolution.** The Common Council will approve or disapprove a Final Resolution subsequent to the completion of the work or improvement. The

form of the resolution will be as prescribed by law. The Director of Public Works shall prepare and submit a report, in the manner required by Section 66.0703(5), Wisc. Stats., which shall contain a statement of the final cost of the work, service or improvement. The form will be as prescribed by law. *Whenever the final cost of the work, service or improvement is more than ten percent (10%) higher than was estimated in the Report of the Director of Public Works that accompanied the Preliminary Resolution, the Council shall consider whether to assess for the actual cost of the project or for some lesser amount.* The policy of the City will be to allow payments over a period of seven (7) years at an appropriate interest rate, unless the assessment is less than \$100.

- (6) Completion. The City Clerk will publish the final resolution as prescribed by law and forward the action to the City Finance Director for collection in accordance with the resolution.

21.15 AMENDMENTS. (A) Authority. Whenever public necessity, convenience, general welfare, changes in State requirements or good subdivision practice require it, these provisions may be amended by the Common Council, subject to review and recommendation by the Plan Commission.

- (B) Initiation. A change or amendment may be initiated by the Common Council, the Plan Commission, City staff, or by a petition of one or more persons affected by these provisions.

21.16 PENALTIES AND ENFORCEMENT. It shall be a violation of this Ordinance for any person to divide, convey, record, build upon, combine or place monuments on any land contrary to the provisions of this Ordinance or the Wisconsin Statutes; and no Subdivider shall be issued a Building Permit by the City authorizing the building on, or improvement of, and Subdivision, Certified Survey Map, Lot Line Adjustment Survey, Parcel Combination or Replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met.

- (A) Penalties. Any person who fails to comply with any provision of this Chapter, shall, upon conviction thereof, forfeit not less than \$25 nor more than \$200, together with the cost of prosecution for each violation and in default of payment thereof, shall be imprisoned in the county jail until payment of such forfeiture and costs, but not exceeding 30 days. In addition, the remedies provided by Sections 236.30 and 236.31 of the Wisconsin Statutes shall be available to the City.
- (B) Enforcement. (1) Whenever it shall come to the knowledge of the City Engineer, the Building Inspector, any member of the reviewing authority or City police force,

that this ordinance or the state statutes governing plats have been violated, such violations shall be reported to the City Attorney for appropriate action.

- (2) No building permit shall be issued for any subdivision or part thereof, until the provisions of this Ordinance have been complied with and no occupancy permit shall be issued until all required improvements except those specifically deferred, have been completed and approved by the City Engineer.
- (3) The City Assessor is hereby instructed not to divide for assessment or taxing purposes, any properties that are being subdivided contrary to these regulations until the reviewing authority and the City Attorney have been notified and their recommendations submitted to the City Council.

21.17 ABROGATION AND GREATER RESTRICTION. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this Ordinance, imposes greater restrictions, the provisions of this Ordinance shall govern.

21.18 INTERPRETATION, SEVERABILITY AND REPEALER. (A) In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

- (B) If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (C) All other ordinances or parts of ordinances of the City inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

21.19 TITLE AND EFFECTIVE DATE. (A) Title. This Ordinance shall be known as, referred to, or cited as the "Land Division Ordinance, City of Platteville, Wisconsin".

- (B) Effective Date. This Ordinance shall be effective after adoption by the Common Council and publication or posting as provided by law.